

REMARKS

By this amendment, applicants have amended the cross reference to the parent application to update the status of the parent application, i.e., to indicate that the parent application is now United States patent No. 6,700,852. Applicants have also amended the preambles of claims 8 - 12 to be directed to "an optical information recording device" to be consistent with claim 7, from which claims 8 - 12 ultimately depend.

In view of the foregoing amendments to claims 8 - 12, reconsideration and withdrawal of the objection to claims 8 - 12 are requested.

In response to the obviousness-type double patenting rejection in the outstanding office action, applicants are submitting herewith a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c). Accordingly, reconsideration and withdrawal of the obviousness-type double patenting rejection are requested.

The terminal disclaimer has been filed in order to advance the prosecution of the application and is not an admission of the propriety of the obviousness-type double patenting rejection.

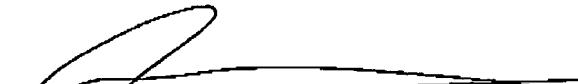
In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli,

Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.38617CX1),
and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Attachment

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